

cational Affairs, to whom was referred

H. B. No. 178, A bill to be entitled "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood Counties, defining its boundaries and its powers and authority and providing for its organization under the General Laws."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and being a local bill, that it be not printed.

WOOD, Chairman.

TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

Friday, May 11, 1923.

The Senate met at 10 o'clock, pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Stuart. Witt.

Absent—Excused.

Doyle.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports, petitions and memorials.)

Excused.

Senator Doyle for today, on account of important business, on motion of Senator Bailey.

Senator Stuart for today and indefinitely, on account of important business, on motion of Senator Murphy.

H. B. No. 12—Ordered Printed in the Journal.

Senator Ridgeway moved that H. B. No. 12, providing for a State Board of Equalization on Taxes, which was reported adversely, be printed in the Journal.

The motion prevailed.

S. B. No. 31—House Amendments Concurred In.

Senator Wood called up S. B. No. 31 and moved that the Senate concur in the following amendments:

Amend S. B. No. 31 by inserting after line 40 the following:

"State Highway Department.

"For purchase of number plates for the fiscal year ending August 31, 1922, provided the same shall be paid out of any funds in the special highway funds not otherwise appropriated, which deficiency was necessary on account of the passage of a law by the Regular Session of the Thirty-seventh Legislature, requiring the re-numbering of automobiles, \$41,279.60."

And by amending the caption by adding after the figure "31" in line 19 the following: "1922 and August 31st."

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—26.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Turner.
Davis.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Holbrook. Thomas.
Stuart.
Absent—Excused.

Doyle.

**S. B. No. 53—House Amendments
Concurred In.**

Senator Floyd called up S. B. No. 53 and moved that the Senate concur in the following amendments:

Amend S. B. No. 53 by striking out "Section 1" thereof and inserting in lieu thereof the following:

"Section 1. No bonds or coupons legally and lawfully issued and signed by the duly authorized officers of any county, city, town, political subdivision, defined district, or school district of the State of Texas shall ever be held invalid by reason of the fact that at the time of the actual delivery of such bonds to a purchaser the respective persons who signed such bonds or coupons may have been replaced in their respective offices by other persons after the signing of such bonds or coupons, but before the delivery thereof."

Amend S. B. No. 53 by striking out all of "Section 2" of the bill and inserting in lieu thereof the following:

"Sec. 2. All bonds and coupons legally and lawfully issued and which have heretofore been properly signed by duly authorized officers and which have been heretofore delivered to purchasers by some successor in office to the person who signed such bonds are hereby declared to be valid and binding obligations insofar as any change in office subsequent to their execution and before their delivery is concerned."

Amend the caption to S. B. No. 58 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL

"To be Entitled

"An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district, or school district of the State of Texas; declaring all such bonds legally issued shall not be invalidated by reason of the fact that there is a change in office after such bonds have been signed and before they

are delivered, and validating all such lawfully issued bonds and coupons which have heretofore been lawfully issued and signed by proper officers, but which have been delivered to purchasers by some successor in office in so far as such change in office is concerned; and declaring an emergency."

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Stuart. Witt.
Thomas.

Absent—Excused.

Doyle.

**H. B. No. 25—Free Conference
Committee Appointed.**

Senator Bowers moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 25.

The motion was adopted.

In accordance with the above motion, the Chair (Lieutenant Governor T. W. Davidson) announced the appointment of the following committee on the part of the Senate: Senators Turner, Bowers, Burkett, Baugh and Floyd.

**H. B. No. 51—Passage to Third
Reading.**

(Special Order.)

The Chair laid before the Senate as special order, on its passage to third reading, H. B. No. 51, relating to the cancellation of certain contracts let by the State Text Book

Commission, the bill having been read second time yesterday and set for a special order this morning, following the morning call.

Senator Bowers offered the following amendment to the bill:

Amend H. B. No. 51, page 355, Section 3, at left hand column in second and third line thereof, by striking out the following words: "that until August 31, 1925, and thereafter," and inserting therein the word "that," in lieu thereof.

Senator Witt raised the point of order on consideration of the bill on the ground that the subject matter of the bill was not included in the subject matters submitted by the Governor.

The Chair (Lieutenant Governor T. W. Davidson, presiding) overruled the point of order, stating that he would leave the matter for the Senate to decide for itself.

(Senator Bledsoe in the Chair.)

Question: Shall the point of order be sustained?

Senator Bailey moved that the question be now put and the motion was seconded.

Senator Bowers, having the floor, the Chair held that he was entitled to the floor until he had concluded his argument, when a vote of the Senate on the point of order would be taken.

At the conclusion of Senator Bowers' remarks, the motion by Senator Pailey that the point of order be now put, prevailed.

Yeas and nays were demanded, and the point of order was overruled by the following vote:

Yeas—10.

Baugh.	Ridgeway.
Bledsoe.	Turner.
Bowers.	Watts.
Davis.	Witt.
Murphy.	Wood.

Nays—16.

Bailey.	McMillin.
Clark.	Parr.
Cousins.	Pollard.
Darwin.	Rice.
Fairchild.	Rogers.
Floyd.	Strong.
Holbrook.	Thomas.
Lewis.	Wirtz.

Absent.

Stuart.

Absent—Excused.

Doyle.

(Pair Recorded.)

Senator Woods (present), who would vote yea; with Senator Burkett (absent), who would vote nay.

Recess.

Senator Fairchild moved that the Senate recess until 2:00 p. m.

On motion of Senator Bowers the Senate at 11:55 a. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 57—House Amendments Concurred In.

Senator Murphy called up S. B. No. 57, and moved that the Senate concur in the following amendments:

Amend S. B. No. 57.

Strike out all after the word "thereafter" in line 8, page 2, down to and including the word "permit" in line 12, page 2.

Amend S. B. 57, strike out the word "five" preceding the word "years" in line 1, page 2 and insert in lieu thereof the word "two."

Amend Caption S. B. 57, strike out the word "five" preceding the word "years" in line 1, and insert in lieu thereof, the word "two."

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

Present—Not Voting.

Woods.

Absent.

Pollard.

Stuart.

Absent—Excused.

Doyle.

H. B. No. 51 on Passage to Third Reading.**(Special Order.)**

The Chair laid before the Senate as special order, on its passage to third reading, H. B. No. 51, relating to cancellation of certain contracts made by the State Text Book Commission, with amendment by Senator Bowers pending.

The amendment was adopted.

Senator Bowers offered the following amendment to the bill.

Amend H. B. No. 51, page 355 in Senate Journal, section 2, by striking out the words "until August 31, 1925, and thereafter" and strike out the words "before August 31, 1925."

The amendment was adopted.

House Bill No. 51 was then passed to third reading.

H. B. No. 51 on Third Reading.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days in each House, was suspended, and H. B. No. 51 was put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Nays—3.

Bledsoe.	Watts.
Murphy.	

Absent.

Fairchild.	Stuart.
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Absent—Excused.

Doyle.

The Chair then laid H. B. No. 51 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—21

Bailey.	McMillin.
Baugh.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Wirtz.
Lewis.	

Nays—7.

Bledsoe.	Witt.
Bowers.	Wood.
Murphy.	Woods.
Watts.	

Absent.

Stuart.

Absent—Excused.

Doyle.

Income Tax Opinion.

A graduated income tax which exempts income under a specific amount, and increases the tax as the income reaches stated amounts above that sum, does not deny tax payers the equal protection of the laws or deprive them of their property without due process of law. *Alderman vs. Wells*, 27 (N. S.) L. R. A., 864. The above language was employed by the Supreme Court of South Carolina in construing a provision of a statute of that State that provided that incomes less than five thousand dollars pay a tax of one per cent, and incomes from ten thousand dollars to fifteen thousand dollars to pay a tax of two and one-half per cent. The same rule of law was announced in the construction of a similar statute in *Magoum vs. Illinois Trust & Savings Bank*, 170 U. S., 283.

In the case of *Brushaber vs. Union Pacific Railroad Company* the Supreme Court of the United States held that:—

"The progressive rate feature of the income tax imposed by the Act of October 3, 1913, does not cause such tax to transcend the conception of all taxation, and to be a mere arbitrary abuse of power which must be treated as wanting in due process of law. (240 U. S. 1, 60 L. ed. 493.)"

Labor, agricultural or horticultural organizations, mutual savings banks, etc., could be excepted from the operation of the income tax provision of the tariff Act of October 3, 1912, without rendering the tax repugnant to the federal constitution.

In *Glasgow vs. Rowse*, 43 Mo. 479, though an income tax was declared to be a direct tax, it was further held that it was not a tax on property within the meaning of that provision of the State Constitution requiring taxation upon property to be in proportion to its value, and that where such tax was uniform and equal as to the class upon whom it operated it would be sustained.

The brief investigation or the examination that we have made makes it clearly obvious to our minds that the Legislature of this State has the authority to enact an income tax measure that is, in its effect, progressive or on a graduated scale.

Yours very truly,

C. L. STONE,

Assistant Attorney General.

On motion of Senator Woods, the above opinion was ordered printed in the Journal.

H. B. No. 32 on Second Reading.

The Chair laid before the Senate as special order, on its second reading,

H. B. No. 32, A bill to be entitled "An Act providing for the levy and collection of income taxes upon individuals, firms, co-partnerships, corporations, joint stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for exemptions of amounts or parts of incomes, such exemptions to be excepted from said tax; providing for county income assessors and county income tax collectors; providing for county income tax reports and returns by individuals, companies, co-partnerships and associations; providing for compensation of county income assessors and county income tax collectors; providing for the disposition of the revenues arising under the provisions of this Act; designating what shall constitute income, coming under the provisions of this Act, and allowing such reduc-

tions from gross income for the purpose of calculating net income; providing for the appointment of supervisors and assistants required for the proper administration of the provisions hereof; making an appropriation for the purpose of carrying into effect the provisions of this Act, and declaring an emergency."

The bill was read second time and the committee report carrying the following substitute bill was adopted:

A BILL

To Be Entitled

An Act providing for the levying and collection of income taxes, upon individuals, firms, co-partnerships, corporations, joint-stock companies and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; providing for exemptions of amounts or parts of incomes such exemptions to be excepted from said tax; providing the manner of making income tax reports and returns by individuals, companies, co-partnerships and associations; providing penalties for failure to make returns and for the failure to pay said income tax; providing that persons, firms, corporations, companies and associations subject to the provisions of Chapter 4, Title 126 of the Revised Civil Statutes of Texas or any amendment thereto shall not be subject to the provisions of this Act; providing that persons, corporations, companies and associations engaged in business in this State subject to a tax based upon their gross receipts shall be subject to the provisions of this Act to the extent only upon such portion of their income as may be derived from sources other than those subject to the levy of the tax upon gross receipts; providing that persons, firms, co-partnerships, corporations, companies, or associations subject to the provisions of this Act, having paid any State or county-wide advalorem taxes accruing during any current year for which income taxes are assessed may receive credit upon their income tax assessed during said year for the amount of such advalorem

taxes paid; providing for the disposition of the revenue arising under the provisions of this Act; designating what shall constitute income, coming under the provisions of this Act, and allowing certain reductions from gross income for the purpose of calculating net income; providing for the appointment of supervisors and assistants required for the proper administration of the provisions hereof; making an appropriation for the purpose of carrying into effect the provisions of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be assessed, levied, collected and paid to the State of Texas, a tax on all income received in each calendar year beginning with the year 1923, and for each year thereafter, by every person residing within the State and by every non-resident of the State upon such income as is derived from property located or business transacted within the State, except as hereinafter exempted; provided however that for the year 1923, tax shall be collected only upon the pro rata part of the year remaining after the bill becomes effective.

Sec. 2. The term person, as used in this Act, shall mean and include any individual, firm, co-partnership, and every corporation, joint-stock company or association organized for profit, and having a capital stock represented by shares or other evidence of interest or ownership unless otherwise expressly stated.

Sec. 3. The term "income," as used in this Act, shall include

(a) All rent of real estate.

(b) All dividends derived from stocks and all interest derived from money loaned or invested in notes, mortgages, bonds or evidence of indebtedness or any kind whatsoever; provided, that the term "dividends" as used in this section shall be held to mean distribution made by a corporation, joint-stock company or association, out of its earnings or profits accrued since the date upon which this Act becomes effective, and paid to its shareholders whether in cash or in stock of the corporation, joint stock company or association.

(c) All wages, salaries or fees derived from services.

(d) All profits, derived from the

transaction of business, or from the sale of real estate or other capital assets; provided, that for the purpose of ascertaining the gain or loss resulting from the sale or other disposition of property, real or personal acquired prior to January 1st, 1923, the fair market value of such property as of January 1st, 1923, shall be the basis for determining the amount of such gain or loss.

(e) All royalties derived from oil or gas wells, mines, or the possession or use of franchises, or legalized privileges of any kind whatsoever.

(f) And all other gains, profits or income of any kind derived from any source whatsoever, except such as hereinafter exempted.

Sec. 4. Persons who customarily estimate their income or profits on a basis other than cash receipts and disbursements, may with the consent and approval of the Comptroller of Public Accounts of the State of Texas return for assessment in taxation the income or profits earned during the income year, in accordance with the method of accounting regularly employed in keeping their books, except as hereinafter provided; but if no such method of accounting has been employed or if the method used does not clearly reflect the taxable income, the computation shall be made upon such basis, and in such manner as in the opinion of the Comptroller of Public Accounts of the State of Texas will clearly reflect such income.

(b) The terms "paid" or "actually paid" as used in this chapter, are to be construed in each instance in the light of the method used in computing taxable income, whether on the accrual or receipt basis; provided that the deduction for Federal income and excess profits shall be confined to cash payments made within the year covered by the income tax return, and that reserves for contingent losses or liabilities shall not be deducted.

(c) Income from mercantile or manufacturing business, rentals, royalties or the operation of any farm, mine or quarry, or from the sale of real or personal property for the purpose of taxation shall follow the situs of the property or business from which derived and all other income including that derived from personal service, professions and vo-

cations and from land contracts, mortgages, stocks, bonds, securities shall follow the residence of the recipient

(d) Persons engaged in business within and without the State shall be taxed only upon such income as is derived from business transacted and property located within the State, which may be determined by an allocation and separate accounting for such income when made in the form and manner prescribed by the Comptroller of Public Accounts of the State of Texas.

Deductions From Gross Income of Corporations.

Sec. 5. Every corporation, joint stock company or association shall be allowed to make from its gross income the following deductions:

(a) Payments made within the year for wages or employees and salaries of officers, if reasonable in amount, for services actually rendered in producing such income; provided, there be reported the name, address and amount paid each such employee or officer residing within this State to whom a compensation of one thousand dollars or more shall have been paid during the assessment year.

(b) Other ordinary and necessary expenses and cash bonuses to employees, actually paid within the year out of the income in the maintenance and operation of its business and property including a reasonable allowance for depreciation by use, wear and tear of property from which the income is derived and in the case of mines and quarries an allowance for depletion of ores and other deposits on the basis of their original cost in cash or the equivalent of cash; and including also interest paid during the year in the operation of the business from which its income is derived; provided, the debtor reports the amounts so paid, the form of the indebtedness, together with the names, and addresses of the parties to whom interest was paid.

(c) Losses actually sustained within the year and not compensated for by insurance or otherwise, provided that no loss resulting from operation of the business or the own-

ership of property may be allowed as a deduction, unless the income which might be derived from such business or property would be subject to taxation under this Act.

(d) Taxes other than special improvement taxes paid during the year upon the business or property from which the income taxed is derived, including therein taxes imposed by the State of Texas and the government of the United States as income, excess or war profits and capital stock taxes.

(e) Dividends or income received within the year from stocks or interest in any co-partnership, corporation, joint stock company, or association, the income of which shall have been assessed under the provisions of this Act; provided that when only part of the income of co-partnership, corporation, joint stock company or association from which such dividend or income was received shall have been assessed under this Act only a corresponding part of such dividend income shall be deducted; provided further, that such co-partnership, corporation, joint stock company or association report the name and address of each person owning stocks or having such interest and the amount of dividends or income paid such persons during the assessment year.

(f) Contributions or gifts actually made within the year to organizations operating within the State organized and operated exclusively for religious or charitable purposes, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of ten per cent of the taxpayers taxable net income as computed without the benefit of this subsection.

Deductions From Incomes of Persons Other Than Corporations or Associations.

Sec. 6. Persons other than corporations, joint stock companies or associations in reporting incomes for purposes of taxation, shall be allowed the following deductions:

(a) Payments made within the year for wages of employees and a reasonable allowance for services of co-partners or members of a firm actually rendered in producing such

income. But no deductions shall be made for any amount paid for personal services unless there be reported the name and address and amount paid each such employee or co-partner to whom a sum of one thousand dollars or more shall have been paid during the assessment year.

(b) The ordinary and necessary expenses actually paid within the year in carrying on the profession, occupation or business from which the income is derived, including a reasonable allowance for depreciation by use, wear and tear of the property from which the income is derived, and in the case of mines and quarries an allowance for the depletion of ores and other natural deposits on the basis of their actual original cost in cash or the equivalent of cash.

(c) Losses during the year and not compensated for by insurance or otherwise, provided that no loss resulting from the operation of business or the ownership of property may be allowed as a deduction unless the income which might be derived from such business or property would be subject to taxation under this Act.

(d) Dividends or income received by any person from stocks or interest in any co-partnership, corporation, joint stock company or association, the income of which shall have been assessed under the provisions of this Act; provided that when only part of the income of which shall have been assessed under the provisions of this Act; provided that when only part of the income of any co-partnership, corporation, joint stock company or association shall have been assessed under this Act only a corresponding part of the dividends or income received therefrom shall be deducted, and provided, further, that said co-partnership, corporation, joint stock company or association report the name and address of such person owning stock or having such interest and the amount of dividends or income paid to such person during the assessment year.

(e) Interest paid within the year on existing indebtedness; provided, the debtor reports the amount so paid, the form of the indebtedness, together with the name and address of the creditor; but no interest shall be allowed as a deduction if paid on an indebtedness created for the purpose of maintenance or improvement of property, or for the conduct of a business, unless the income from such property

or business would be taxable under this Act.

(f) Taxes other than inheritance and special improvement taxes upon the property or business from which the income hereby taxed is derived paid by such persons during the year, including therein taxes imposed by the State of Texas or the United States Government as income taxes.

(g) Contributions or gifts actually made within the year to any organization operating within the State, organized and operated exclusively for religious or charitable purposes, no part of the income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of ten per centum of the taxpayers taxable net income as computed without the benefit of this subsection.

Exemptions.

Sec. 7. There shall be exempt from taxation under the provisions of this Act, income as follows to-wit:

(a) To an individual, income up to and including one thousand dollars.

(b) To husband and wife, twenty-five hundred dollars.

(c) For each child under the age of eighteen years, four hundred dollars.

(d) For each additional person, who is actually supported by and entirely dependent upon the taxpayer for support two hundred dollars. In computing said exemptions and the amounts of taxes payable by persons residing together as members of a family, the income of the wife shall be added to that of the husband or father, or if he was not living, to the head of the family. The taxes levied thereon shall be payable by such husband or head of the family, but if not paid by him may be enforced against any person whose income is included in the assessment; provided that the husband and wife living together may make separate returns, in which event such husband and wife shall together receive but one personal exemption, as provided for in Subdivision "b" of Section 7, as against their aggregate income, said personal exemption to be equally divided between them.

(e) All insurance, received by any person or persons in payment of a death claim by any insurance company, fraternal benefit society or other insurer. But endowment or

other insurance paid to the insured shall be taxable upon the excess received over the amount paid for the insurance.

(f) Income of State banks, national banks, mutual savings banks, trust companies, mutual loan corporations, and building and loan associations, and of all religious, scientific, educational, benevolent, or other corporations or associations or individuals not organized or conducted for pecuniary benefit.

Rates of Taxation.

Sec. 8. The tax to be assessed, levied and collected upon the income of all individuals, firms, co-partnerships, and every corporations, joint stock company, and association, except as otherwise provided by law, after making such deductions and exemptions as are hereinbefore allowed, shall be computed with the following rates, to-wit:

(a) Upon all taxable income up to and inclusive of five thousand dollars at the rate of two per cent:

(b) Upon all taxable income from five to twenty-five thousand dollars at the rate of three per cent:

(c) Upon all taxable income from twenty-five to fifty thousand dollars at the rate of four per cent:

(d) Upon all taxable income from fifty to one hundred thousand dollars at the rate of six per cent.

(e) Upon all taxable income from one hundred to two hundred thousand dollars at the rate of eight per cent.

(f) Upon all taxable income in excess of two hundred thousand dollars at the rate of ten per cent.

Sec. 9. For the purpose of carrying into effect the provisions of this Act, there is hereby appropriated out of the general revenue, not otherwise appropriated the sum of fifty thousand dollars, or as much thereof as may be necessary to be expended in two years for salaries and expenses. Such salaries and expenses shall be fixed and determined by the State Comptroller except as the same may hereafter be fixed by law.

(1) The State Comptroller may appoint such supervisors and other assistants as may be required for the proper enforcement of the provisions of this Act.

Sec. 10. Every person taxable under this Act, shall on or before the

fifteenth day of March of each year fill out and return to the State Comptroller, upon such form as may be prescribed by the said Comptroller, a true and accurate statement specifying in detail the amounts of income received from all sources during the calendar year next preceeding. Such statement shall be made upon oath.

(2) Every corporation, joint stock company, partnership or association whether taxable under this Act or not, shall on or before the fifteenth day of March of each year, fill out and return to the State Comptroller, upon such forms as may be prescribed by said Comptroller, a true and accurate statement specifying in detail the amount of income received from all sources during the calendar year next preceding. Such statement shall be made upon oath of the president, vice-president, or other principal officer, and the treasurer of said corporation, joint stock company, association or partnership.

(3) The State Comptroller shall possess all powers now or hereafter granted by law to the State Tax Board under provisions of Chapter 4, Title 126 of the Revised Civil Statutes of the State of Texas, or any amendments thereto now or hereafter to be enacted.

(4) Whenever, in the judgment of the State Comptroller, any person other than a corporation, joint company, association or partnership shall be subject to income tax under the provisions of this chapter, he shall notify such person to make report to him in such manner and form as the State Comptroller shall prescribe, specifying in detail the amounts of income received by such person from all sources for the calendar year next preceding, together with the amount of income received by his wife, residing with him as such member of the family, and such other information as the State Comptroller shall deem necessary to enforce the provisions of this Act. In case any person shall fail, neglect or refuse to make return when so notified by the State Comptroller so to do, said Comptroller shall estimate and assess his taxable income according to his best judgment, and give notice thereof to the party assessed by mail. Every person who receives a taxable income during the year must report the same in the manner and form herein provided to the State Comp-

troller, whether notified to do so or not, and shall be subject to the same penalties for failure to report as those who receive notice.

(5) Every guardian, trustee, executor, administrator, agent or receiver and every other person or corporation acting in a fiduciary capacity shall make and render to the State Comptroller a verified list of returns of the amount of income received by him for such person, ward, beneficiary, deceased or incompetent person, whom he represents or succeeds during the year covered by the return and shall be liable to assessment and taxation therefor subject to the deductions and exemptions provided in this Act; provided, that such deductions or exemptions have not been claimed by or for such person, ward, or beneficiary in another capacity. The return so made shall be signed by the person rendering it, and if a corporation, by the president or secretary thereof.

(6) Any executor, administrator, guardian or trustee, applying to a court having jurisdiction, for a discharge of his trust and a final settlement of his account, before his application shall be granted shall file with the State Comptroller a return of all the income received in his representative capacity during the time between the last preceding January 1st, and the date of his application for discharge, and also similar returns of income received during each of the three next preceding calendar years, as have not theretofore been filed. Upon receipt of such returns the State Comptroller shall immediately determine the amount of income tax due or to become due from such executor, administrator, guardian, or trustee, and certify the amounts or amount to the court in which application for discharge is pending and the court shall thereupon enter an order directing the executor, administrator, trustee, or guardian as the case may be, to pay the amount of tax if any is found due by the State comptroller, and take a receipt therefor. Such receipt shall be evidence of the payment of the tax, and shall be filed with the court before the final distribution of the estate is ordered, and the executor, administrator, or trustee, or guardian is discharged.

(8) Returns of income required

to be made by virtue of the next preceding subsection may be dispensed with by order of the court having jurisdiction in cases where it is clearly evident to the court that no income is due or to become due from the trust estate.

Sec. 11. Whenever it shall appear probable that a corporation has been over or under assessed, or that no assessment has been made when one should have been made in any one or more of the next preceding three years, the State Comptroller may require such corporation to furnish such information with reference to its capital, surplus and business transacted as he may deem necessary to enable him to ascertain the amount of taxable income such corporation received during the year or years in question. Upon such information and such other information as he may be able to secure, the State Comptroller shall determine the true amount of taxable income received during the year or years under investigation. If all or any part of the amount ascertained shall not previously have been assessed the same shall be assessed in the year discovered, and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual taxable income received in any one or more of the previous three years, the State Comptroller may make allowance as far as possible for such excess in the assessment of the year when such error in the assessment shall be discovered. No additional assessment shall be made under this section without giving at least ten days notice in writing of such proposed assessment to the corporation to be subjected thereto. Such notice shall be served by registered mail.

(2) In case of the failure on part of a corporation to make a report of income within the time and the manner prescribed by law, the State Comptroller may enter an assessment against said corporation upon ten days notice in writing in a sum of not less than five hundred dollars. Such notice may be served by registered mail.

(3) In case of neglect occasioned by the sickness or the absence of any officer or any corporation, joint stock company, association or partnership required to make said return or for

other sufficient reason, the State Comptroller may allow such further time for making and delivering said return as he may deem necessary not to exceed thirty days.

(4) If any of the corporations, joint stock companies or associations aforesaid shall fail or refuse to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint stock company or association shall be liable to a penalty of not less than one hundred dollars and not to exceed five thousand dollars.

(5) Any officer of a corporation, joint stock company or association required by law to make, render, sign or verify any return who makes any false or fraudulent return or statement, with intent to defeat or evade the assessment required by this Act to be made, shall upon conviction be fined not to exceed five hundred dollars or be imprisoned not to exceed one year, or both, at the discretion of the court, including the cost of prosecution.

Sec. 12. Whenever it shall appear probable to the State Comptroller that any person other than a corporation, joint stock company or association, has been over or under assessed, or that no assessment has been made when one should have been made in any one or more of the next previous three years, the State Comptroller may require such person to furnish such information as may be deemed necessary to enable him to ascertain the amount of taxable income received by such person during the year or years in question. Upon such information and such other information as he may be able to discover, he shall determine the true amount of taxable income received during the year or years under investigation. If all or any part of the amount so ascertained shall not previously have been assessed, the same shall be assessed in the year discovered and the normal tax thereon may be computed at twice the original rate. If it shall be found that the assessment was in excess of the actual amount of income received in any one or more of the three previous years, the State Comptroller may make allowance as far as possible for such excess in the assessment of the year when such error in assessment shall be discov-

ered. No additional assessment shall be made under this sub-section without giving at least ten days notice in writing of such proposed assessment to the person to be subjected thereto. Such notice may be served by registered mail.

(2) Any person other than a corporation, joint stock company association or partnership required to make an income tax return, who shall fail, neglect, or refuse to do so in the manner and form and within the time prescribed in this Act, or shall make a return that does not disclose his entire taxable income, shall be assessed on such income as the State Comptroller shall determine was received. In the case of wilful neglect to comply with the law in respect to making and filing an income tax return on the part of such person, the tax on such assessment shall be computed at twice the original rate.

(3) Any person, other than a corporation, joint stock company or association, who fails or refuses to make a return at the time hereinbefore specified in each year or shall render a false or fraudulent return, shall upon conviction be fined not to exceed five hundred dollars or be imprisoned not to exceed one year or both at the discretion of the court, together with the cost of prosecution.

Sec. 13. Any corporation, joint stock company or association subject to assessment by the State Comptroller, feeling aggrieved by the decision of said Comptroller, regarding the assessment of his income, shall be granted a hearing by the said State Comptroller. Attendance of witnesses and the production of books and papers before said State Comptroller may be compelled by subpoena issued by direction of the State Comptroller.

(2) Any person dissatisfied with any determination of the State Comptroller may be granted a hearing by the said Comptroller to whom a copy of the record of the entire assessment shall be certified, together with all evidence relating to such assessment.

(3) The State Comptroller shall review such assessment from the record thus submitted and shall make necessary corrections and certify his conclusion to the person liable for the tax.

Sec. 14. Apportionment of Revenue.

(a) All income taxes collected under authority of this Act shall be paid into the State Treasury and shall go into the general revenue of the State; such payment shall be due on and payable on or before October first of each year for the preceding year, and if not so paid, the State Comptroller is hereby authorized and empowered to assess and to collect a penalty of five per cent upon all taxes payable under this Act if not paid on or before November first of each year following the date when same becomes due.

(b) Tax and Penalties to be Recovered.

The tax and penalties provided for in Section 14 subdivision (a) hereof shall be recovered by the Attorney General in a suit brought by him in the name of the State of Texas immediately upon the certification of the Comptroller of Public Accounts of delinquents under this Act and the revenue and jurisdiction of such suits is hereby conferred upon the courts of Travis County, Texas, or in any other court of competent jurisdiction in this State.

(4) Every person, firm, co-partnership, corporation, joint stock company, stock company or association subject to the payment of any income tax under this Act shall send remittances of such tax to the State Comptroller at Austin, Texas; such remittances shall be payable to the State Treasurer and shall be, by the Comptroller delivered daily as received, to the State Treasurer.

Sec. 15. Advance payments of taxes under this provision shall not relieve any individual or corporation for additional taxes which may result from subsequent legislation or from additional taxable income disclosed or discovered subsequent to the assessment. The State Comptroller, upon receipt of such advanced taxes, shall enter the amount received on a ledger account termed "Advance Income Taxes."

Sec. 16. No deputy or any other officer, agent, clerk or employee shall divulge or make known to any person in any manner any information whatsoever obtained directly or indirectly by him in the discharge of his duties or permit any income re-

turn or copy thereof or any paper or book so obtained to be seen or examined by any person except as provided by law; provided that any and all information contained in income tax returns and in the statements and correspondence relating to the ownership or value of property shall be furnished or made accessible to all public officials charged with the duty of assessing the same for taxation or of supervising the assessment thereof under such rules and regulations as the State Comptroller may prescribe but no information so received shall be divulged by any such official except as may be necessary in the proper performance of his duties; and provided further that in any action or proceeding brought for the collection, remission, cancellation, or refund of the whole or any part of the tax assessed under this Act or for enforcing the penalties prescribed for making false or fraudulent returns, any and all information contained in such return may be furnished or made accessible to the officers or representatives of the State or municipal district charged with the duty of prosecuting or defending the same under such rules and regulations as the State Comptroller shall prescribe; and all such returns and the statements and correspondence relating thereto may be produced in evidence in any action or proceeding civil or criminal directly pertaining to such returns of the assessment made thereon.

(2) Any officer, agent, clerk or employee violating any of the provisions of this section shall upon conviction thereof be punished by a fine of not more than \$100.00 or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment at the discretion of the court.

Sec. 17. Whenever an error has been made in any income tax assessment that shall be discovered by the State Comptroller such error may be corrected by the State Comptroller. The State Comptroller, after reviewing such facts as may be presented to him, shall certify to the taxpayer his finding and he shall enter upon the income tax roll the words "reduced to dollars," or "increased to

..... dollars" or "cancelled by direction of the State Comptroller." No assessment shall be increased under this section except on five days notice to the person to be subjected thereto.

Sec. 18. Any person, firm, co-partnership, corporation, company or association subject to the provisions of this Act, having paid any State or county-wide ad valorem taxes accruing during the current year for which income taxes are assessed, may certify upon oath the amount of State and county ad valorem taxes so paid, in his income tax report and such amount of taxes paid may be credited at the full amount in payment of income taxes due for said year, provided that persons, firms, corporations, companies and associations subject to the provisions of Chapter 4, Title 126 of the Revised Civil Statutes of the State of Texas of 1911, known as the Intangible Tax Law, or any amendment thereto, shall not be subject to the provisions of this Act; and provided further, that persons, firms, corporations, companies and associations engaged in any business in this State subject to the payment of a tax based upon their gross receipts, shall be subject to the payment of a tax based upon their gross receipts, shall be subject to the provisions of this Act to the extent only upon such portion of their income as may be derived from sources other than those subject to the levy of tax upon gross receipts.

Sec. 19. The fact that the public service is in need of additional revenue creates an emergency and an imperative public necessity that the constitutional rule requiring bills be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Witt offered the following amendment to the bill:

Amend H. B. No. 32 by amending the Committee Substitute by striking out all of paragraph 5 of Section 11.

The amendment was adopted.

Senator Witt offered the following amendments to the bill:

(1.)

Amend House Bill No. 32 by amending the Committee Substitute by adding a new section, same to be number-

ed after the bill has been renumbered, as follows:

"All persons, firms, corporations, co-partnerships, joint stock companies or associations subject to payment of an income tax, who shall claim credit for the payment of ad valorem taxes, shall include in the return file a statement showing when and to whom said ad valorem tax was paid, before the credit shall be allowed."

(2.)

Amend House Bill No. 32, by amending the Committee Substitute by adding the word "educational" after the word "religious" and before the words "or charitable purpose" in paragraph "g" in Section 6, on page 393, of the Senate Journal.

(3.)

Amend House Bill No. 32 by amending the Committee Substitute by striking out paragraphs 2 and 3 of Section 13.

(4.)

Amend House Bill No. 32, by amending the Committee Substitute by striking out all of Section 15.

(5.)

Amend Committee Substitute to House Bill No. 32 by adding on page 394 in Section (b), after the word "five" the words "thousand dollars"; in Section (c) after the word "twenty-five" the words "thousand dollars"; in Section (d) after the word "fifty" the words "thousand dollars"; and in Section (e) after the words "one hundred" the words "thousand dollars."

(6.)

Amend the committee substitute to H. B. No. 32 by adding at the end of Section 18 the following section to be known as Section 18a.

"Sec. 18a. If any section, portion or provision of this Act should be held to be unconstitutional or invalid for any reason, the remainder of the Act shall nevertheless remain in full force and effect."

The amendments were adopted.

Senator Witt offered the following amendment to the bill:

Amend committee substitute to H. B. No. 32, page 397 of the Senate Journal by striking out the words "or county wide," also striking from page 398 same section, the words "and county".

Senator Floyd moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—19.

Bailey.	Pollard.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Strong.
Clark.	Thomas.
Cousins.	Turner.
Floyd.	Watts.
Lewis.	Wirtz.
McMillin.	Woods.
Parr.	

Nays—7.

Burkett.	Rogers.
Davis.	Witt.
Fairchild.	Wood.
Murphy.	

Absent.

Darwin.	Stuart.
Holbrook	

Present—Not Voting.

Doyle.

Senator Strong offered the following amendment to the bill:

Amend committee substitute to H. B. No. 32, page 393 of the Senate Journal, by striking out the following words in sub-division F, Section 7, beginning after the word "income," "of State banks, trust companies, mutual loan corporations, and".

The amendment was adopted.

(Senator Strong in the Chair.)

Senator Rogers offered the following amendment to the bill:

Amend committee substitute H. B. No. 32 by striking out Section F of Section 6, page 393, and substituting the following:

"Ad valorem taxes imposed by the State of Texas, or income taxes imposed by the United States Government."

Senator Floyd moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11.

Baugh.	Rice.
Bledsoe.	Strong.
Floyd.	Thomas.
Lewis.	Watts.
McMillin.	Woods.
Parr.	

Nays—16.

Bailey.	Murphy.
Bowers.	Pollard.
Burkett	Ridgeway.
Clark.	Rogers.
Cousins.	Turner.
Darwin.	Wirtz.
Davis.	Witt.
Fairchild.	Wood.

Absent.

Holbrook	Stuart.
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Present—Not Voting.

Doyle.

The amendment was then adopted. Senator Bailey offered the following amendment to the bill:

Amendment to substitute H. B. No. 32:

Amend Section 3, paragraph (b), page 391, of the printed bill, by inserting after the word "whatsoever" the words "except bonds and other evidences of indebtedness of the United States of America."

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend Senate substitute for H. B. No. 32 as follows: Strike out all of Subdivision "e" of Section 6 or said substitute, beginning with the word "provided" in the second line of said subdivision down to and including the word "Act," last line of said subdivision.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—14.

Bledsoe.	McMillin.
Burkett	Parr.
Clark.	Rice.
Cousins.	Strong.
Davis.	Watts.
Fairchild.	Wirtz.
Floyd.	Woods.

Nays—9.

Baugh.	Rogers.
Bowers.	Turner.
Darwin.	Witt.
Lewis.	Wood.
Ridgeway.	

Present—Not Voting.

Bailey.	Pollard.
Holbrook	Thomas.

Absent.
Murphy. Stuart.
Absent—Excused.
Doyle.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 32 by amending committee substitute, page 396, Senate Journal, Section 13, by inserting after the word "any" the word "person."

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend H. B. No. 32 by amending committee substitute by striking out of Section 18 the words "county wide" and insert in lieu thereof the word "county," on page 397 of the Senate Journal.

Senator Floyd moved to table the amendment and the motion to table was lost.

The amendment was then adopted.

Senator Rogers offered the following amendment to the bill:

Amend committee substitute, page 392, Section 5, Subdivision (d), by striking out the entire subdivision and inserting in lieu thereof the following:

"Ad valorem taxes imposed by the State of Texas, and income taxes imposed by the United States Government, excess or war profits and capital stock taxes."

The amendment was adopted.

(Senator Bailey in the Chair.)

The bill was passed to third reading.

H. B. No. 32 on Third Reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 32 was put upon its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Floyd.
Bledsoe.	Holbrook
Burkett	Lewis.
Clark.	McMillin.
Cousins.	Murphy.
Darwin.	Parr.
Davis.	Pollard.
Fairchild.	Rice.

Ridgeway.	Watts.
Rogers.	Wirtz.
Strong.	Witt.
Thomas.	Wood.
Turner.	Woods.

Nays—1.

Bowers.

Absent.

Baugh.

Stuart.

Absent—Excused.

Doyle.

The Chair then laid H. B. No. 32 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—18.

Burkett	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Fairchild.	Thomas.
Holbrook	Turner.
Lewis.	Watts.
Murphy.	Witt.

Nays—7.

Bailey.	McMillin.
Bledsoe.	Wood.
Bowers.	Woods.
Floyd.	

Absent.

Stuart.

Wirtz.

Absent—Excused.

Doyle.

(Pair Recorded.)

Senator Parr (present), who would vote nay, with Senator Baugh (absent), who would vote yea.

H. B. No. 70 on Passage to Third Reading.

Senator Murphy called up H. B. No. 70, relating to navigation districts, which was read the second time on May 10 and laid on the table subject to call.

The Chair laid the bill before the Senate.

On motion of Senator Murphy, the minority report carrying the following amendments, was adopted:

No. 1.

Amend the caption of the bill as follows:

Insert after the word "of" and before the word "Navigation" the words "Chairman of"

Add after the words "Canal Commissioners" and before the word and figures "Article 5995," the following: "Article 5988 relating to bond of County Treasurer."

No. 2.

Amend Section 1, line 8, by striking out the words "Commissioners' Court" and inserting in lieu thereof the word "Judge."

No. 3.

Amend the bill, page 1, by adding after Section 1, a new section to be known as Section 1-a, reading as follows:

"Sec. 1-a. Article 5988. That Article 5988 of Title 96, Revised Civil Statutes of Texas, 1911, shall be, and is hereby amended so that it shall hereafter be and read as follows:

"Art. 5988. Treasurer to give bond; compensation. The County Treasurer upon the sale of any Navigation District bonds, the proceeds of which may come into his possession or under his direction or control, shall before receiving such proceeds, execute a good and sufficient bond, payable to the county judge or his successor in office and to be approved by the county judge of said county, for an amount to be fixed by the commissioners' court of said county, conditioned upon the faithful performance of his duty as treasurer of such district; which said bond shall remain in full force and effect so long as said proceeds of said bonds or any part thereof are in his possession or under his control or direction. The county treasurer shall receive such compensation for his services as may be determined by said Navigation and Canal Commissioners."

No. 4.

Amend bill by striking out all in Section 11 after the first paragraph down to and including the word "track," line 6, page 5, and insert in lieu thereof the following:

"Such navigation districts being

organized, conducted and operated for the benefit of the public, and being engaged in a public service, are hereby authorized and empowered to build, construct, operate and maintain public service belt railroads within the limits of such navigation districts; and each such navigation district for the purpose of reaching or serving any dock, wharf, pier or commercial or industrial enterprise or business, located upon or adjacent to any navigable waterway, the improvement of which has been undertaken or contributed to by such navigation district, shall have full power and authority to exercise the right of eminent domain, and to acquire by purchase, lease or condemnation, lands, easements and rights of way for railroad tracks, spurs, switches, side tracks, railroad yards and terminals for such public belt railway, which in the opinion of the Navigation and Canal Commissioners of such navigation district may be necessary for the construction, operation or maintenance of such belt railway service; also, to acquire by purchase or condemnation rights of way upon, over or across any railroad track in such navigation district, for the purpose of laying, constructing, building or maintaining railroad tracks or spurs, and operating thereover for the purpose of serving any such dock, wharf, pier or commercial or industrial enterprise or business located upon or adjacent to any navigable water way, the improvement of which water way has been undertaken or contributed to by such navigation district; also to condemn the right to use the railway track or tracks of any industrial or commercial enterprise, or of any railroad company heretofore or hereafter constructed within such navigation district, for the purpose of reaching or serving any dock, wharf, pier or commercial or industrial enterprise or business located upon or adjacent to such navigable water way; provided, that such right and power shall not extend to the condemnation of the use of a railroad track to the exclusion of the use of such track by its owner or so as to substantially deprive the owner of the use of such track; also to acquire by purchase or condemnation lands

or easements therein for the purpose of rights of way, dumping and spoil grounds, or other purposes for the improvement of any water way or water ways in said navigation districts."

No. 6.

Amend Section 1, line 9, by striking out the words "Navigation and Canal Commissioners" and inserting in lieu thereof the following: "Commissioners' court of said county."

No. 7.

Amend the bill by striking out all of Section 5 thereof, and renumbering the remaining sections correctly and in accordance therewith.

Senator Murphy offered the following amendment to the bill:

Amend H. B. No. 70 by striking out Section 4, as amended, which is amendment to Section 11.

The amendment was adopted.

Senator Bowers offered the following amendment:

Amend the caption to H. B. No. 70, page 345, of the Senate Journal, by striking out the following:

"And further amending Section 11 of Chapter 30, Acts of 1921, General Laws of the State of Texas, First Called Session, Thirty-seventh Legislature, relating to navigation districts so that said Section 11 may hereafter read as herein provided."

The amendment was adopted.

The bill was then passed to third reading.

H. B. No. 70 on Third Reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 70 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Floyd.	Thomas.
Holbrook.	Turner.

Watts.	Wood.
Wirtz.	Woods.
Witt.	

Absent.

Fairchild.	Stuart.
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Absent—Excused.

Doyle.

The Chair then laid H. B. No. 70 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—1.

Parr.

Present—Not Voting.

Bledsoe.

Absent.

Baugh.	Stuart.
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Absent—Excused.

Doyle.

S. B. No. 46 on Engrossment and H. B. No. 115 on Second Reading.

Senator Davis called up S. B. No. 46, relating to collection of delinquent taxes in levee districts, which was read second time on May 4 and laid on the table subject to call.

The Chair laid the bill before the Senate.

Under the rules, the Chair laid before the Senate, on its second reading,

H. B. No. 115, A bill to be entitled "An Act providing for the collection of delinquent taxes of levee improvement districts; providing a method of procedure therefor, and declaring an emergency," it being a bill on the same subject.

The bill was read second time and passed to third reading.

H. B. No. 115 on Third Reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 115 was put upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Baugh. Stuart.

Absent—Excused.

Doyle.

The Chair then laid H. B. No. 115 before the Senate on its third reading and final passage.

The bill was read third time and passed.

H. B. No. 11—Passage to Third Reading.

(Pending Business.)

The Chair laid before the Senate as pending business, on its passage to third reading, H. B. No. 11, providing for the collection of delinquent taxes, the same having been under consideration on yesterday.

Senator Fairchild moved to postpone further consideration of the bill until tomorrow.

Senator Burkett moved to table the motion to postpone.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11.

Bailey.	Thomas.
Burkett.	Watts.
Clark.	Wirtz.
Floyd.	Wood.
Holbrook.	Woods.
Pollard.	

Nays—13.

Bledsoe.	McMillin.
Bowers.	Murphy.
Cousins.	Parr.
Darwin.	Rice.
Davis.	Ridgeway.
Fairchild.	Turner.
Lewis.	

Absent.

Baugh.	Stuart.
Rogers.	Witt.
Strong.	

Absent—Excused.

Doyle.

Recess.

On motion of Senator Clark, the Senate at 5:45 p. m. recessed until 8 p. m. today.

Night Session.

The Senate met at 8 p. m. and was called to order by President pro tem, Charles Murphy.

H. B. No. 11 on Passage to Third Reading.

(Special Order)

The Senate resumed consideration of the special order, the same being H. B. No. 11 on its passage to third reading, with a motion to postpone until tomorrow pending.

On motion of Senator Wood, further consideration of the bill was postponed until 10 o'clock a. m. Saturday, and the bill was made a special order for that hour.

S. R. No. 36.

By Senator Cousins:

Whereas, The Hon. John Darozette from the Great Port of Galveston is in the City and is leaving for Galveston; be it

Resolved, That he be invited to address the Senate.

The resolution was read and adopted.

The Chair appointed Senators Cousins, Fairchild and Pollard as a committee to escort Mr. Darozette to the President's stand.

Being presented by Senator Cousins, Mr. Darozette then addressed the Senate.

S. R. No. 37.

By Senator Fairchild:

Whereas, The Hon. Jess Murrill, the War Horse of Gainesville, Texas, and one of the best Democrats of Texas, is on the floor of the Senate; therefore, be it

Resolved, That he now address the Senate.

The resolution was read and adopted.

The Chair appointed Senators Fairchild, Floyd and Pollard to escort Mr. Murrill to the President's stand, and after being presented by Senator Fairchild, he addressed the Senate.

S. B. No. 51 on Final Passage.

Senator Clark called up S. B. No. 51 relating to fees remitted by county superintendents, which was read third time on May 7 and laid on the table subject to call.

The Chair laid the bill before the Senate and it was finally passed.

S. B. No. 47 on Passage to Engrossment.

Senator Holbrook called up S. B. No. 47, relating to fees of tax collectors for collecting motor fees, which was read second time on May 4, and laid on the table subject to call.

The Chair laid the bill before the Senate, with amendment by Senator Strong and substitute by Senator Bailey pending.

Both the amendment and the substitute were withdrawn.

Senator Woods offered the following amendment to the bill:

Amend Senate Bill No. 47 by striking out all of Section 1 of bill found on page 164 of Journal after the word "law" and beginning with the word "which" and add in lieu thereof the following:

"Which compensation shall be used exclusively to pay salaries of deputies

or other employees appointed in accordance with law; and any amount of fees so collected remaining over shall be accounted for as fees of office within the meaning of Chapter Four, Title Fifty-eight of the Revised Civil Statutes of the State of Texas, known as the Fee Bill; and as compensation for their services for issuing licenses and transfers to operators of motor vehicles in their respective counties, including tractors, trailers and semi-trailers, as provided by law; for receiving and delivering number plates and for performing such other duties in this connection as is required by law, tax collectors in counties having less than five thousand motor vehicles shall receive four per cent commission on all money collected, which fee of compensation shall be used exclusively to pay salaries of deputies or other employees appointed in accordance with existing laws, and any amount of fees so collected remaining over shall be accounted for as fees of office, within the meaning of Chapter Four, Title 58 of the Revised Civil Statutes of the State of Texas, known as the Fee Bill."

And striking out all of section 2 and numbering other sections accordingly.

The amendment was adopted.

Senate Bill No. 47 was then passed to engrossment.

S. B. No. 47 on Third Reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 47 was put upon its third reading and final passage by the following vote:

Yeas—24

Bailey.	McMillin.
Baugh.	Murphy.
Burkett.	Parr.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Bledsoe.	Stuart.
Bowers.	Turner.
Pollard.	Watts.

The Chair then laid S. B. No. 47 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—21

Burkett.	Parr.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Nays—2

Baugh.	Murphy.
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Absent.

Bailey.	Stuart.
Bledsoe.	Turner.
Bowers.	Watts.
Pollard.	

S. B. No. 74 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

S. B. No. 74, A bill to be entitled "An Act abolishing special funds in the State Treasury set aside therein for special and particular purposes and placing all moneys that are in such funds in the general revenue fund so that all moneys shall be paid out on general warrants on an equal basis, payable as to order of payment according to serial number; prescribing how such warrants shall be numbered serially; providing that this Act shall not apply to special funds created and provided for in the State Constitution which the Legislature cannot place or make applicable to the general revenue fund as herein provided for other special funds, nor to special funds consisting of taxes remitted or donated to counties, cities or localities; enacting the necessary provisions so that the general revenue funds will get the benefit of any such special funds now on hand or to be collected; and declaring an emergency."

The bill was read third time.

Senator Rogers moved the previous question on the final passage of the bill, and the main question was ordered.

Question: Shall the bill finally pass?

Yeas and nays were demanded and the bill was finally passed by the following vote:

Yeas—14

Bailey.	Lewis.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Wirtz.
Davis.	Witt.
Fairchild.	Wood.

Nays—10

Baugh.	McMillin.
Clark.	Murphy.
Doyle.	Strong.
Floyd.	Thomas.
Holbrook.	Woods.

Absent.

Burkett.	Stuart.
Parr.	Turner.
Pollard.	Watts.

H. B. No. 128 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 128, A bill to be entitled "An Act to amend Section 2 of Chapter 146, Special Laws of the Thirty-third Legislature, Regular Session, 1913, relating to the powers and privileges of the Kyle Independent School District as amended by the Thirty-sixth Legislature, Regular Session, 1919, Chapter 35, Local and Special Laws, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.

Absent.

Stuart.	Watts.
Turner.	Woods.

H. B. No. 129 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 129, A bill to be entitled "An Act to amend Section 6 of Chapter 19, Special Laws of the Thirty-second Legislature, First Called Session, 1911; relating to the powers and privileges of the Buda Independent School District, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.

Absent.

Stuart.	Watts.
Turner.	Woods.

S. B. No. 109 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

S. B. No. 109, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws, passed by the Thirty-seventh Legislature at the First Called Session, as amended by Chapter 88, Local and Special Laws, passed by the Thirty-eighth Legislature at its Regular Session, creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, providing for the extension thereof, including the present Canton Independent School District; providing for a board of trustees in said district, conferring upon said district and its

boards of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing that the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

On motion of Senator Pollard, the Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

The bill was then passed to engrossment.

S. B. No. 109 on Third Reading.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 109 was placed upon its third reading and final passage by the following vote:

Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

Absent.

Stuart.	Watts.
Turner.	

The Chair then placed S. B. No. 109 before the Senate on its third reading and final passage.

The bill was read third time and passed.

H. B. No. 113 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 113, A bill to be entitled "An Act to create the Tarpley Independent School District in Bandera County, Texas; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 116 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 116, A bill to be entitled "An Act creating the Rock Springs Independent School District in Edwards County, Texas; defining its metes and bounds, providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under the General Laws of the State of Texas; providing for an election to assume the outstanding bonds of the Rock Springs Common School District, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 132 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 132, A bill to be entitled "An Act to incorporate Farmersville Independent School District in Collin County, Texas, for free school pur-

poses only; defining its boundaries; divesting the city of Farmersville of the control of its public free schools and of its school property and vesting the same in said independent school district and its board of trustees; providing that all funds belonging or owing to said city schools inure to the benefit of said independent school district and that all contracts made by the board of trustees of said city schools shall be carried out by the board of trustees of said independent school district, but that said district shall never be liable for any indebtedness of said city; providing for a board of trustees for said district and describing the rights, powers and duties of said independent school district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 133 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 133, A bill to be entitled "An Act to create the Plano Independent School District in Collin County, Texas, including the present Plano Independent School District and the Finger-ring Common School District of said county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Plano Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the city of Plano of the control of the public schools of the district, as created by this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 135 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading

H. B. No. 135, A bill to be entitled "An Act creating the Balmorhea Independent School District in Reeves County, Texas; defining its boundaries, including the present Common School District No. 4; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said districts shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in La Loma Common School District No. 4; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 139 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading

H. B. No. 139, A bill to be entitled "An Act to amend Section 2 of House Bill No. 606 of the Laws passed at the Regular Session of the Thirty-eighth Legislature, 1923, by changing the time and terms of holding court in the Sixty-third Judicial District so that Section 2 of said Act shall hereafter read as follows, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 144 on Second Reading.

The Chair laid before the Senate

as regular order, on its second reading

H. B. No. 144, A bill to be entitled "An Act creating the Hopewell Independent School District in Smith County, Texas; defining its boundaries, including the present Common School District No. 24; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Hopewell Common School District No. 24; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 150 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 150, A bill to be entitled "An Act creating the Indian Creek Independent School District in Roberts County, Texas, and defining its boundaries; providing for the creation of a board of trustees to manage and control the public free schools within said district; their mode of election and tenure of office; conferring upon said trustees all the right, powers and privileges and imposing all the duties now conferred and imposed by the General Laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, and levying, assessing and collecting taxes for building and maintaining public free schools in said district; providing for the appointing of a board of equalization; providing for the filling of vacancies of such board; for the election of su-

perintendents and other employees, and the compensation of the members of said board; for a seal and its use and for the administration of oaths by the president and secretary; for the assessment and collection of taxes, and the regulation of same, for the maturity and for a lien and foreclosure upon the property for taxes; adopting the provisions of existing and hereinafter enacted State laws; providing that all laws in conflict herewith are repealed and that invalidity of any portion hereof shall not impair the remainder of this Act."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 165 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 165, A bill to be entitled "An Act to validate Simmons Common School District No. 7 in Grayson County, Texas, as re-defined and re-established by order of the county school trustees of Grayson County, Texas, on February 12, 1923, and Common County Line School District No. 8, as re-defined and re-established by an order of the county school trustees of Grayson County, Texas, on February 12, 1923, and by an order of the county school trustees of Collin County, Texas, on February 13, 1923, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 178 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 178, A bill to be entitled "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood Counties, defining its boundaries and its powers and authority and providing for its organization under the General Laws."

The bill was read second time, the committee report that the bill be not

printed was adopted, and it was passed to third reading.

H. B. No. 181 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

H. B. No. 181, A bill to be entitled "An Act validating Common School District No. 3 of Bailey County as defined and attempted to be created by the county board of school trustees of Bailey County on February 14, 1921, and validating all bond issues and special taxes which may have been voted by said district, and providing for an election to adjust all territory therein contained or which may have been added to said district by the said order, to taxes which may have been theretofore levied upon the property of said Common School District No. 3 and for an assumption by said common school district of the pro rata of taxes to which any territory added to said district by said order of February 14, 1921, may be subject by reason of any outstanding bond issue or issues previously voted by any school district or school districts of which such added territory may have theretofore formed part, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 190 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 190, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; limiting area to be furnished free transportation, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 197 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 197, A bill to be entitled

"An Act amending Section 8 of Chapter 44, Local and Special Laws of the Regular Session of the Thirty-eighth Legislature of the State of Texas, creating the Southland Independent School District in the counties of Garza, Lynn and Lubbock in the State of Texas, so as to change said section of said law to provide for the issuance of bonds for building purposes in said district to bear interest not to exceed 6 per cent per annum, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 205 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 205, A bill to be entitled "An Act amending House Bill No. 616, enacted into law at the Regular Session of the Thirty-eighth Legislature, by which Union Hill Independent School District in Swisher County was created, so as to increase the territory contained in said district and defining the boundary thereof; defining more fully the powers of said district and the board of trustees; providing for the continuing in office of the trustees of Union Hill Consolidated Common School District in Swisher County as trustees of this, its immediate succeeding district; providing for an election to adjust all territory contained in said district as herein created, which may have been added to this district or to Union Hill Consolidated Common School District, to adjust any school bond taxes or special school taxes theretofore voted by Union Hill Consolidated Common School District, and for the assumption by said Union Hill Independent School District of its pro rata of taxes payable by any added territory on account of any outstanding bond issues existing against school districts or which such added territory may have heretofore formed a part; providing for the adding of additional territory by the trustees of said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 213 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 213, A bill to be entitled "An Act enlarging Woodson Independent School District of Throckmorton and Stephens Counties; defining the boundaries and prescribing the powers thereof; and for the assumption by said district of the bonded indebtedness now existing against the present Woodson Independent School District and for adjusting the territory of said district as enlarged to such special taxes as may have been voted by the present said district."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 215 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 215, A bill to be entitled "An Act validating Common School District No. 11, Bailey County, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 78 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 78, A bill to be entitled "An Act creating and defining the Ringgold Independent School District, Montague County, Texas, out of the territory known as Ringgold Independent School District in Montague County, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House Bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague County, Texas, with the exclusive control of its public free schools, and vesting the title to all property in said district; providing for the present trustees to con-

tinue in office for the term to which elected, and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; providing authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof, and further providing that if any section or part hereof is at any time declared to be unconstitutional, it should not affect the other provisions hereof, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and passed to third reading.

H. B. No. 79 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 79, A bill to be entitled "An Act creating the Montague Independent School District in Montague County, Texas; defining its boundaries, including the Montague Independent School District No. 7; divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the right, power, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and passed to third reading.

H. B. No. 83 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. N. 83, A bill to be entitled "An Act creating, establishing and incorporating Common School District No. 17 in Hidalgo County, Texas, containing a portion of the territory in Hidalgo County, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo County; providing for the election of a board of trustees, to hold office until the next regular election, and providing for the election of trustees thereafter; vesting said district and board of trustees with all the school affairs therein as conferred and imposed by General Laws upon common school districts and boards of trustees thereof, organized under the General Laws of Texas; vesting the school property situated in said Common School District No. 17 and all uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 within the territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15, of certain bonded indebtedness existing against said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this Act cumulative of the General Laws of the State of Texas, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 218 on Second Reading.

The Chair laid before the Senate as regular order, on second reading,

H. B. No. 218, A bill to be entitled "An Act creating Westover Inde-

pendent School District of Baylor County; defining the powers of said district; providing for the organization of said district; providing for the election to determine whether the several outstanding obligations which may exist against the several portions of territory embraced in this district shall be assumed in whole and pro rata by this district and taxes levied upon the property of this district to provide for such indebtedness and the pro rata thereof, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 222 on Second Reading.

The Chair laid before the Senate as regular order, on second reading.

H. B. No. 222. A bill to be entitled "An Act creating and establishing the Lindsey County Independent School District in Lubbock and Hockley Counties, Texas; defining its boundaries; providing for the election of boards of trustees to manage and control the schools of said district; authorizing said district to issue bonds, and to assume the payment of parts of the outstanding indebtedness against the school district affected by this Act; and investing said district with the rights, powers, privileges and duties of independent school districts organized or existing under General Laws of the State, and declaring an emergency."

The bill was read second time, the committee report that it be not printed, was adopted, and passed to third reading.

H. B. No. 236 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading

H. B. No. 236. A bill to be entitled "An Act authorizing steam or electric railway companies, street railway companies, interurban railway companies, and other chartered transportation companies, or persons or associations of persons operating the same, or the receivers or lessees thereof, or their officers, agents or employees to issue free transportation to ministers of religion in this State when making intrastate trips; defining ministers of religion, and declaring an emergency."

The bill was read second time.

Senator Clark offered the following amendment to the bill:

Amend H. B. No. 236 by adding after the words "ministers of religion" wherever they occur in Section 1 and the caption of the bill the words "volunteer firemen of cities and towns who serve without pay, teachers in the public free schools of this State, State Senators and members of the House of Representatives of the State of Texas."

Senator Bailey moved the previous question on the amendment and the bill, and the main question was ordered.

Senator Davis moved to reconsider the vote by which the previous question was ordered.

Senator Clark moved to table the motion to reconsider.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—10.

Bailey.	Parr.
Bowers.	Ridgeway.
Clark.	Strong.
Doyle.	Thomas.
Murphy.	Wirtz.

Nays—13.

Baugh.	Pollard.
Burkett.	Rice.
Davis.	Rogers.
Fairchild.	Witt.
Floyd.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Bledsoe.	Stuart.
Cousins.	Turner.
Darwin.	Watts.
Holbrook.	

The motion to reconsider prevailed.

(Sentor Rogers in the chair.)

Senator Wirtz offered the following amendment to the amendment:

Amend the pending amendment to H. B. No. 236 by striking out of the amendment the words "Members of the Senate of Texas and members of the House of Representatives of the State of Texas."

Senator Parr moved to table the amendment to the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—14.

Baugh.	Pollard.
Cousins.	Rice.
Davis.	Rogers.
Floyd.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Nays—8.

Bailey.	Parr.
Bowers.	Ridgeway.
Clark.	Strong.
Fairchild.	Thomas.

Present—Not Voting.

Doyle.

Absent.

Bledsoe.	Stuart.
Burkett.	Turner.
Darwin.	Watts.
Holbrook.	

The amendment to the amendment was adopted, and the amendment as amended was adopted.

The bill was passed to third reading.

Senator Woods moved to reconsider the vote by which the bill was passed to third reading.

Yeas and nays were demanded and the motion to reconsider prevailed by the following vote:

Yeas—13.

Bailey.	Rice.
Clark.	Rogers.
Cousins.	Strong.
Doyle.	Thomas.
Floyd.	Wirtz.
Murphy.	Woods.
Parr.	

Nays—11.

Baugh.	McMillin.
Bowers.	Pollard.
Darwin.	Ridgeway.
Davis.	Witt.
Fairchild.	Wood.
Lewis.	

Absent.

Bledsoe.	Stuart.
Burkett.	Turner.
Holbrook.	Watts.

Senator Cousins moved to postpone further consideration of the bill indefinitely.

Yeas and nays were demanded and the motion prevailed by the following vote:

23—Jour.

Yeas—16.

Bailey.	Murphy.
Burkett.	Parr.
Clark.	Rice.
Cousins.	Rogers.
Doyle.	Strong.
Fairchild.	Thomas.
Floyd.	Wirtz.
McMillin.	Woods.

Nays—9.

Baugh.	Pollard.
Bowers.	Ridgeway.
Darwin.	Witt.
Davis.	Wood.
Lewis.	

Absent.

Bledsoe.	Turner.
Holbrook.	Watts.
Stuart.	

Senator Burkett moved to reconsider the vote by which the bill was postponed and spread that motion on the Journal.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 60, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act recognizing certain agricultural, vegetable and fruit crops and live stock as being the basis of the agricultural resources of the State, and declaring insect pests, plant diseases, rodent, wild animal pests that depredate upon such crops a menace;

defining the words 'standard insecticide,' 'standard fungicide,' 'poisoned baits' and 'disinfectant'; making it the duty of the Commissioner of Agriculture of this State to destroy and eradicate such pests as far as possible; authorizing the Commissioner of Agriculture to quarantine against any areas without the State infested by dangerous insect pests, plant disease and other pests; authorizing the Commissioner of Agriculture to quarantine any area within the State found to be infested with any dangerous insect pest, plant diseases, rodent, wild animal or other pests, and authorizing him to require remedial measures to be taken within such quarantine area for the eradication of such pests and the prevention of damage; providing for the commissioners' court of the counties to hold public hearings to make recommendation to the Commissioner of Agriculture for such quarantine districts; making it the duty of the commissioners' court to co-operate with the Commissioner of Agriculture in the enforcement of this Act, and authorizing the commissioners' court to appropriate moneys out of the general funds to pay expenses incurred in the administration of this Act; providing penalties for violation of this Act, and declaring an emergency," with engrossed rider.

H. B. No. 75, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas, 1911, providing that citizens of Texas who are qualified electors who shall reach the age of twenty-one years after the first day of February and before the day of the following election shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

H. B. No. 76, A bill to be entitled "An Act providing for the organization of pools and pooling organizations by banking and other corporations and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or live stock, or both; providing for their

co-operation with the Federal law affecting loans for agricultural and live stock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and live stock mortgages; limiting the interest rate that may be charged providing for margins; prescribing the maximum term of such liens; fixing limitations on the amount that may be loaned by such pooling organizations; providing for the use and ownership of bonded warehouses, and providing a plan of marketing the products; requiring bond of such organizations to be approved by the commissioners' court of the county where organized, and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses, and prescribing penalties for the violation of this Act."

H. B. No. 77, A bill to be entitled "An Act to authorize any county for the purpose of constructing and maintaining and operating public roads whether such roads are macadamized, graveled or paved, or built of other material, to use timber, earth, sand, stone, gravel or other necessary materials convenient therefor, and to provide for the condemnation of such road material, and prescribing condemnation proceeding, and providing compensation for such material, and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act to require the payment of interest of certain deposits required from water, light, gas and telephone companies within this State; requiring the making of annual reports; providing certain revenues, and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act to amend House Bill No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district, and declaring an emergency," with engrossed rider.

H. B. No. 136, A bill to be entitled

"An Act amending Section 1 of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its First Called Session, redefining the boundaries of Sheffield Independent School District in Pecos County, Texas, and declaring an emergency."

H. B. No. 156, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws enacted by the First Called Session of the Thirty-sixth Legislature, entitled 'San Patricio County Road System'; creating and providing that the General Laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio County, validating all defined road districts defined, created and established under and by virtue of said San Patricio County Special Road Law, as well as road bonds issued thereunder, and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights and duties of independent school district created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act to amend Section 1 of House Bill No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts County, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency."

H. B. No. 160, A bill to be entitled

"An Act to repeal an Act passed at the Regular Session of the Thirty-eighth Legislature, being House Bill No. 578, Chapter 46, of the Special Laws of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled 'An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board,' so as to hereafter read as follows, and extending and defining its boundaries, and including within its limits the municipal corporation of the city of Coleman, and to provide for the creating of a board of trustees thereof, and to authorize the board of trustees to levy, assess and collect special taxes, and provided authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency,' reviving former laws, and declaring an emergency."

H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox County, Texas, including the Truscott Independent School District, as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorpo-

rated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this Act and the General Laws of Texas, and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d $\frac{1}{2}$), providing that liabilities incurred under the provisions of the Federal 'Agricultural Credits Act of 1923' shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorporated under the laws of this State, and declaring an emergency."

H. B. No. 183, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidence of indebtedness, for their members, and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members, providing that such notes or other evidences of indebtedness are made for the purposes provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this Act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of Texas; and providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase providing that such capital stock shall be increased at the

rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that banking or other corporations, except savings banks may, upon the approval of the Commissioner of Banking and Insurance, first had and obtained, invest in the preferred stock of such corporations; and providing also the requirements to be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the constitutional rule, and declaring an emergency," with engrossed rider.

H. B. No. 184, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the Act of Congress of the United States of America, approved March 4, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for and lend money to their members; to discount or rediscount for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted under the provisions of the Federal 'Agricultural Credits Act

of 1923,' and under the terms, rules and regulations prescribed by the Federal Farm Loan Board and with such other and additional powers as are conferred upon associations generally organized under the laws of this State, where not in conflict with the express provisions hereof; authorizing such co-operative credit associations to be organized with or without capital stock, provide that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association, and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations and that the amount of loans and discounts by such associations shall never be in excess of ten times the amount of paid-up unimpaired capital stock of such association; providing for the retirement of capital stock; providing that this Act shall be cumulative of all other general laws of this State affecting corporations organized thereunder, and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly and annual reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such co-operative credit associations from the payment of any other license or franchise tax, and declaring an emergency."

H. B. No. 191, A bill to be entitled "An Act requiring lying-in hospitals, wards in hospitals, maternity homes, and other buildings, rooms and other places owned, kept, conducted and operated for the reception, care and

treatment of pregnant women for compensation to be provided with a proper operating room to be kept in sanitary condition and properly equipped with surgical instruments and appliances; prohibiting the State Board of Health from issuing a license to keep, conduct or manage such institutions which shall not have and keep in condition for use such operating room and equipment, and empowering the State Board of Health to inquire into and determine whether or not applicants for such license have provided their respective places with such operating room and equipment; making it a misdemeanor to keep, be concerned in keeping, or aid, assist, or abet in keeping such hospitals, maternity homes, and similar places and institutions which are not provided with such operating room, or without the operating room thereof being kept in proper condition and supplied with proper surgical instruments, appliances, and equipments, and fixing the punishment therefor, making it a misdemeanor for any person to solicit or receive money or property for receiving or adopting any illegitimate child, and fixing the punishment therefor; authorizing the State Board of Health to issue to persons of good character and of lawful age a license to solicit funds for the maintenance of homes and places for the care of infants born in maternity homes, lying-in hospitals and other similar places; making it a misdemeanor for any person to solicit funds for said purpose without first having obtained license so to do, and fixing the punishment therefor, and declaring an emergency."

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355, of the Revised Civil Statutes of Texas, 1911, providing for an occupation tax on coin operated vending machines, such as phonographs, electrical piano, electrical battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," with engrossed rider.

S. B. No. 21, A bill to be entitled "An Act reorganizing the State of Texas into supreme judicial districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Eleventh Supreme Judicial District of Texas, with Eastland as the site of said court; providing for the appointment and quali-

fication of the judges of said Eleventh Supreme Judicial District, and officers thereof; providing for the transfer of cases and regulating appeals from the lower courts of the counties constituting said Eleventh Supreme Judicial District of Texas, and declaring an emergency."

S. B. No. 31. A bill to be entitled "An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1923, and declaring an emergency," with amendments.

S. B. No. 53. A bill to be entitled "An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district or school district of the State of Texas, validating all such bonds and coupons signed by the duly authorized officers who were such officers at the time of signing same, notwithstanding any changes in office subsequent to their execution and before their delivery; and declaring an emergency," with amendments.

S. B. No. 57. A bill to be entitled "An Act to extend for a period of five years from the passage of this Act Oil and Gas Permit No. 2609, issued June 11th, 1918, in San Jacinto Bay, Harris County, Texas, said extension to be upon the same terms and conditions on which the original permit was issued, except that the owners who may desire to take advantage of this Act shall pay into the General Land Office within thirty days after the taking effect of this Act twenty-five cents per acre within the permit, and fifty cents per acre within one year thereafter, and annually thereafter the sum of one dollar per acre so long as they may desire to hold same, or until oil or gas shall have been developed in paying quantities and a lease obtained therefor; providing for forfeiture; and declaring an emergency."

S. B. No. 55. A bill to be entitled "An Act to amend Section 5, Chapter 87 of the Acts of the 35th Legislature of the State of Texas by providing for ordering of elections by the commissioners' court for the organization of water improvement districts. Providing the questions to be submitted at such election. And to amend Section 7, Chapter 87, of the Acts of the Regular Session of the 35th Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the 36th Legislature of the State of Texas, providing for the manner of

conducting elections, provided for in said Chapter 87. Providing the qualifications for voters at such elections. Prescribing the duties of the commissioners' court in canvassing the returns of such vote. The creation of water improvement districts. Providing for the division of the proposed district into one or more election precincts. And providing polling places in such voting precincts. The appointment of judges and clerks to hold such election. Providing a method of filling places on said election board. Providing for printing of ballots and the matter to be contained thereon. And amending Section 9 of Chapter 87 of the Acts of the Regular Session of the 35th Legislature of the State of Texas as amended by Chapter 28, Second Called Session of the 36th Legislature of the State of Texas, by providing for returns to be made by the officers of such election. The canvass and return showing the results of such election. The establishment of districts and making records thereof. The issuance of notes of said district for the purpose of defraying expenses of the organization, investigation, engineering, issuance of bonds, making and filing of maps and reports, all legal expenses connected therewith and all other costs and expenses authorized and made necessary by the provisions of this law. To sell said notes and for the levy and collection of taxes to provide for their payment. And to canvass votes for the directors. And declaring of result. And to amend Section 57, Chapter 87 of the Acts of the Regular Session of the 35th Legislature of the State of Texas as amended by Chapter 28 of the Acts of the 36th Legislature, Second Called Session, providing for the issuance of bonds. And execution of contracts with United States Government. Providing for the issuance of bonds sufficient to pay the first three years interest accruing on the bond issue authorized. And exempting the property situated in the district from taxes for that period except in an amount sufficient to pay the notes provided for in Section 3 of this amendment. Providing for the limitation of the amount of bonds to be issued by the districts organized under Article 52, Section 3 of the Constitution. And exempting districts organized under Section 59, Article 16 of the Constitution from such limitation. Providing for the issuance of bonds for supplemental contracts with the United States. And the purchase of addi-

tional improvements where the same is found necessary by the directors. And the issuance of notices for elections to be held to authorize issuance of such additional bonds, or the making of supplemental contracts. Providing for the issuance of bonds or notes to run not to exceed 20 years for the purpose of repairing damages to the improvements in the district where such damages have occurred. And providing for elections and notices of election where such supplemental bonds issues are made. Limiting amount of notes to be issued. And providing for the payment of interest thereon to create a sinking fund with which to pay said notes at maturity. And declaring an emergency."

H. B. No. 240, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws passed by the Regular Session of the Thirty-eighth Legislature, the same being an Act to create the Barksdale Independent School District in Edwards and Real Counties, Texas; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act to amend Chapter 12, Acts Thirty-seventh Legislature, First Called Session, 1921, same being an Act entitled 'An Act creating the Jacksonville Independent School District in Cherokee County, by amending Section 1 thereof, re-defining the boundaries of said district; continuing the present board of trustees in office; validating all tax levies heretofore made,' and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act to amend Chapter 74, Special Laws passed at the Regular Session of the Thirty-seventh Legislature, re-defining the boundaries of the Hull Independent School District of Liberty County, Texas, providing for a board of trustees to manage and control the public free schools within said district, and investing the said district with the rights, powers, authority, jurisdiction, privileges and duties of a town or village incorpor-

ated for free school purposes only under the General Laws; locating the high school within said district and limiting the amount that may be expended for buildings in any other part of the district; prescribing causes for removal of school trustees of said districts, and declaring an emergency."

The House refuses to concur in Senate amendments to H. B. No. 25, and requests the appointment of a free conference committee to adjust the differences. The following committee is appointed on part of the House:

Harrington, Crawford, Dunn, Patterson and Bell

H. B. No. 95, A bill to be entitled "An Act to define what shall constitute a suit of weight or measure of all commodities purchased or sold by length, weight or measure; providing for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act to amend Chapter 10 of Title 48 of the Revised Civil Statutes of 1911 relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the State Permanent School Fund by adding to said chapter immediately after Article 2740 a new article to be known as Article 2740a, and validating the purchase of bonds by the State Board of Education purchased on deferred payments of the purchase price as of the time of the payment of the first installment thereon and prescribing certain duties of the State Board of Education, the State Treasurer and the State Comptroller of Public Accounts with reference to allowing credits on certain interest coupons by reason of deferred payments of the purchase price thereof and limiting the provisions of this Act to bonds purchased subsequent to September 1, 1920; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act amending House Bill No. 474, passed at the Regular Session of the Thirty-eighth Legislature so as to add to Hulver Common School

District No. 5, in Hall County, Section No. — of Block 'A' of A., B. & M. lands, detaching the said section from Estelline Independent School District in Hall County, and providing that the adjustment of said school districts and their finances and taxes unto such transfer shall be included in the election provided for in said Act of the Thirty-eighth Legislature, and declaring an emergency."

H. B. No. 244, creating the Ricardo Independent School District.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House Bills:

H. B. No. 60, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 61, referred to Committee on Agricultural Affairs.

H. B. No. 75, referred to Committee on Privileges and Elections.

H. B. No. 76, referred to Committee on Insurance and Banking.

H. B. No. 77, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 86, referred to Committee on State Affairs.

H. B. No. 87, referred to Committee on Educational Affairs.

H. B. No. 136, referred to Committee on Educational Affairs.

H. B. No. 156, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 157, referred to Committee on Educational Affairs.

H. B. No. 161, referred to Committee on Educational Affairs.

H. B. No. 160, referred to Committee on Educational Affairs.

H. B. No. 176, referred to Committee on Educational Affairs.

H. B. No. 182, referred to Committee on Insurance and Banking.

H. B. No. 183, referred to Committee on Insurance and Banking.

H. B. No. 184, referred to Committee on Insurance and Banking.

H. B. No. 191, referred to Committee on Public Health.

H. B. No. 210, referred to Committee on State Affairs.

H. B. No. 240, referred to Committee on Educational Affairs.

H. B. No. 147, referred to Committee on Educational Affairs.

H. B. No. 237, referred to Committee on Educational Affairs.

H. B. No. 220, referred to Committee on Educational Affairs.

H. B. No. 225, referred to Committee on Educational Affairs.

H. B. No. 95, referred to Committee on Criminal Jurisprudence.

H. B. No. 244, referred to Committee on Educational Affairs.

Bills Signed.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 68.

S. B. No. 37.

S. B. No. 36.

S. B. No. 34.

S. B. No. 45.

S. B. No. 72.

S. B. No. 67.

S. J. R. No. 3

S. B. No. 56.

S. B. No. 21.

S. B. No. 52.

S. B. No. 31.

S. B. No. 53.

S. B. No. 55.

Adjournment.

Senator Pollard moved that the Senate adjourn until 9:30 a. m. tomorrow.

On motion of Senator Clark, the Senate at 10 p. m. adjourned until 10 a. m. tomorrow.

APPENDIX.

Committee Reports.

Senate Chamber,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 87 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill

No. 69 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 99 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 73 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 103 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Senate Chamber,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 93 carefully compared and find same to be correctly engrossed.

STRONG, Vice-Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 105, relating to the "lighting of all motor vehicles in Texas; providing for the testing of such lighting devices and the approval of same by the State Highway Commission before being used on any motor vehicle operated within this State; giving power to the Highway Commission to conduct such test and providing that they shall charge a fee sufficient to cover the actual expense of conducting such test; providing penalties for the violation of this Act and repealing all laws in conflict herewith and declaring an emergency."

Have had same under consideration,

and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 77, relating to "An Act authorizing any county, for the purpose of constructing, maintaining and operating public roads, whether such roads are macadamized, gravelled or paved, or built of other material, to use timber, earth, sandstone, gravel or other necessary materials convenient therefor and to provide for the condemnation of such road material, and prescribing condemnation of such road material, and prescribing condemnation proceeding, and providing compensation for such material, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

BURKETT, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 60, relating to "An Act to amend Section 12, of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds on road construction, so as to provide for authority to increase the allotments of such funds to aid in the construction of highways in the different counties, and to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

BURKETT, Chairman.

Committee Room,
Austin, Texas, May 10, 1923.
Hon. T. W. Davidson, President of the
Senate.

Sir: We, your Committee on Insurance and Banking to whom was referred

H. B. No. 76, A bill to be entitled "An Act providing for the organization of pool and pooling organizations by banking and other corporations, and co-operative associations composed of persons engaged in producing, or producing and marketing staple agricultural products, or livestock, or both; providing for their co-operation with the Federal Law affecting loans for agricultural and livestock purposes; providing for the borrowing of money by such pooling organizations upon bonded warehouse receipts and livestock mortgages; limiting the interest rate that may be charged; providing for margins; prescribing the maximum term of such loans; fixing limitations on the amount that may be loaned by such pooling organizations; providing for the use and ownership of bonded warehouses and providing a plan of marketing the products; requiring bonds of such pooling organizations, to be approved by the commissioners' court of the county where organized and filed with the Commissioner of Markets and Warehouses; requiring quarterly reports to the Commissioner of Markets and Warehouses and prescribing penalties for the violation of this Act."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 10, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d¹) providing that liabilities incurred under the provisions of the Federal "Agricultural Credits Act of 1923" shall not be taken into account in determining the amount of indebtedness

or liability of banking corporations incorporated under the laws of this State, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, but that it be not printed in the Journal, because the same bills originating in the Senate have been printed in the Journal.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 10, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

H. B. No. 183, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidences of indebtedness, for their members, and authorizing such corporations to become endorsers on notes, or other evidences of indebtedness of their members; providing that such notes or other evidences of indebtedness are made for the purposes provided in the Federal "Agricultural Credits Act of 1923," and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening, or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this Act with a capital stock of less than \$10,000.00, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the Laws of Texas; and providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase; providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by

such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock, the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that banking or other corporations, except savings banks, may, upon the approval of the Commissioner of Banking and Insurance, first had and obtained, invest in the preferred stock of such corporations; and providing also the requirements to be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State, and the payment of fees therefor; and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum account of interest; and providing for the suspension of the constitutional rule, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but that it be not printed in the Journal, because the same bill originating in the Senate has been printed in the Journal.

HOLBROOK, Chairmn.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Banking and Insurance, to whom was referred

H. B. No. 184, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the Act of Congress of the United States of America approved March 4th, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production of marketing of staple agricultural products or the raising, breeding, fattening or marketing of

live stock; and providing that such co-operative credit associations shall have the power to borrow for, and lend money to their members; to discount or rediscount for their members only, and to purchase, indorse, and sell notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted under the provisions of the Federal "Agricultural Credits Act of 1923," and under the terms, rules and regulations prescribed by the Federal Farm Loan Board, and with such other and additional powers as are conferred upon associations generally, organized under the laws of this State, where not in conflict with the express provisions hereof; authorizing such cooperative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, fattening, or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles incorporation shall provide that loans shall not be obtained for, made to, or notes purchased of any person or corporation other than a stockholder in such association and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans or discounts of such associations and that the amount of loans or discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association; providing for the retirement of capital stock; providing that this Act shall be cumulative of all other general laws of this State affecting corporations organized thereunder and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such co-operative credit

associations from the payment of any other license or franchise tax; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but that it be not printed in the Journal because the same bill originating in the Senate was printed in the Journal.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to appropriate six million dollars (\$6,000,000.00) out of the general funds of the State to aid all the public schools for the scholastic years beginning September 31st, 1923, and ending August 31st, 1925, the same to be distributed as the available school funds are now distributed."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by the committee and be printed in the Journal only.

WOOD, Chairman.

Committee Room,
Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 6, A bill to be entitled "An Act appropriating \$6,000,000.00 out of the State Treasury to aid all the public schools for the scholastic years beginning September 1, 1923, and ending August 31, 1925, the same to be distributed as the available school fund is now distributed; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOOD, Chairman.

Committee Room,
Austin, Texas, May 11, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 9, A bill to be entitled

"An Act for the purpose of promoting the public school interest of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year or so much thereof as may be necessary, for the next two fiscal years, ending August 31st, 1924, and August 31st, 1925, respectively, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished, and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholastics shall receive such aid, giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instructions and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during the next two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOOD, Chairman.

Committee Room,
Austin, Texas, May 10, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 109, A bill to be entitled "An Act amending Chapter 19, Local and Special Laws, passed by the Thirty-seventh Legislature at its First Called Session, as amended by Chapter 88, Local and Special Laws, passed by the Thirty-eighth Legislature at its Regular Session, creating the Canton Independent School District in Van Zandt County, Texas; defining its boundaries, providing for the extension thereof, including the present Canton Independent School District, conferring upon said district and its boards of trustees all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas by independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing that the outstanding bonded indebtedness of each school district included within the bounds of said district shall remain chargeable against the territory which voted the same; providing for the district as herein created may assume such outstanding bonded indebtedness; providing for the repeal of all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 233, A bill to be entitled "An Act to create the Double Horn Independent School District in Burnet County, including the present Double Horn District No. 32 of the said county; providing a board of trustees therefor, vesting said independent district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Double Horn District No. 32 shall continue to act as such until their successors are elected in accordance with the General Laws of

Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 239, A bill to be entitled "An Act to create the Comstock Independent School District in Val Verde County, Texas; providing a board of trustees; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas for school purposes only, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 148, A bill to be entitled "An Act creating the Darrouzett Independent School District in Lipscomb County; defining its boundaries to be the same as of Common School District No. 20; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees of said Common School District No. 20 shall continue in office until the next regular election, as provided for under the General Laws, or until their successors are elected and qualified; de-

declaring the maintenance tax and the bond tax heretofore authorized in said Common School District No. 20 to be valid and binding upon said independent school district; providing for an assessor and collector of taxes for said district and fixing his powers, duties, bond and compensation; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School District No. 20 are imposed upon the Darrouzett Independent School District; providing for the collection of taxes by the county tax assessor and collector; applying the General Laws when a matter is not expressly provided for by this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox County, Texas, including the Truscott Independent School District, as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said Independent School District and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this Act and the General Laws of Texas, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 237, A bill to be entitled "An Act to amend Chapter 12, Acts Thirty-seventh Legislature, First Called Session, 1921, same being an Act entitled An Act creating the Jacksonville Independent School District in Cherokee County, by amending Section 1 thereof; re-defining the boundaries of said district; continuing the present board of trustees in office; validating all tax levies heretofore made; and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 161, A bill to be entitled "An Act to amend Section 1, of House Bill No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts County, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and being a local bill that it be not printed.

WOOD, Chairman.

Committee Room.

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

H. B. No. 240, A bill to be entitled "An Act to amend Chapter 38 of the Special Laws passed by the Regular Session of the Thirty-eighth Legislature, the same being an Act to create the Barksdale Independent School District in Edwards and Real Counties, Texas; providing a board of trustees therefor; vesting said Independent School District and Board of Trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and being a local bill that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. A. W. Davidson, President of The Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 160, A bill to be entitled "An Act to repeal an Act passed at the Regular Session of the Thirty-eighth Legislature, being H. B. No. 578, Chapter 46, of the Special Laws of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature, known as House Bill No. 470, and approved April 4, 1907, entitled 'An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the

same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board," so as to hereafter read as follows, and extending and defining its boundaries and including within its limits the municipal corporation of the city of Coleman, and to provide for the creation of a board of trustees thereof and to authorize the board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore voted and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and being a local bill, that same be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 157, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas, defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights and duties of independent school districts created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass,

and, being a local school bill, that same be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to amend H. B. No. 528 of the Local and Special Laws of the Legislature, Regular Session, creating the Megargel Independent County Line School District, so as to add additional territory to the Megargel Independent County Line School District, and giving the board of trustees of that district the authority to increase the area of the district; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and being a local bill, that same be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 136, A bill to be entitled "An Act amending Section 1 of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its First Called Session, redefining the boundaries of Sheffield Independent School District in Pecos County, Texas; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and being a local bill, that same be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 220, A bill to be entitled "An Act to amend Chapter 10 of Title 48 of the Revised Civil Statutes of 1911 relating to the powers and duties of the State Board of Education with reference to the purchase of bonds for the account of the State Permanent School Fund by adding to said chapter immediately after Article 2740 a new article to be known as Article 2740-a

and validating the purchase of bonds by the State Board of Education purchased on deferred payments of the purchase price as of the time of the payment of the first installment thereon and prescribing certain duties of the State Board of Education, the State Treasurer and the State Comptroller of Public Accounts with reference to allowing credits on certain interest coupons by reason of deferred payment of the purchase price thereof and limiting the provisions of this Act to bonds purchased subsequent to September 1, 1920, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 244, A bill to be entitled "An Act creating Ricardo Independent School District No. 1 in Kleberg County, Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the Ricardo Independent School District No. 1 as heretofore existing and Common School District No. 8 in Kleberg County, Texas, of the control of the public free schools within the territory included within Ricardo Independent School District No. 1 as herein created, and divesting the said Ricardo Independent School District No. 1 as heretofore existing and the said Common School District No. 8 of the title to all property now held and used for public free school purposes and vesting the title to all said property in the board of trustees of Ricardo Independent School District No. 1 as herein created; conferring upon the board of trustees of Ricardo Independent School District No. 1 as herein created all the powers, privileges and duties conferred upon the trustees of independent school districts created under the General Laws; providing that the board of trustees of Ricardo Independent School District No. 1 as heretofore existing shall constitute the board of trustees of Ricardo Independent School District No. 1, as

herein created; validating all bonds, or other evidence of indebtedness heretofore issued on behalf of Ricardo Independent School District No. 1 as heretofore existing, and all taxes heretofore levied on behalf of said district and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 225, A bill to be entitled "An Act amending House Bill No. 477 passed at the Regular Session of the Thirty-eighth Legislature so as to add to Hulver Common School District No. 5 in Hall County, Section No. 190, B. S. & F. Lands, detaching the said section from Estelline Independent School District in Hall County, and providing that the adjustment of said school districts and their finances shall be included in the election provided for in said Act of the Thirty-eighth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your committee on State Affairs, to whom was referred

H. B. No. 210, A bill to be entitled "An Act amending Section 35, Article 7355 of the Revised Civil Statutes of Texas, 1911; providing for an occupation tax on coin operated vending machines such as phonographs, electrical piano, electric battery, graphophone, weighing machine or other like machines or instruments where a fee is charged, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do pass as amended by the committee, and be printed in the Journal only.

WITT, Chairman.

Committee Amendment.

Amend House Bill No. 210 by striking out the words and figures "ten (\$10) dollars" wherever they appear in the bill, and in lieu thereof insert the words "five (\$5) dollars."

Committee Amendment.

Amend House Bill No. 210 by adding after Section 1 a new section to be numbered 1a, and to read as follows: "All laws and parts of laws in conflict herewith are hereby repealed."

Committee Room,

Austin, Texas, May 10, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 75, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas of 1911, providing that citizens of Texas who are qualified electors who will reach the age of twenty-one years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to Senate with the recommendation that it do pass and that the bill be printed in the Senate Journal and not otherwise.

DAVIS, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,

Austin, Texas,

Saturday, May 12, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being